

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 FREDERICK H. SHULL, JR.,

4 Plaintiff

5 v.

6 THE UNIVERSITY OF QUEENSLAND,
7 THE OCHSNER MEDICAL GROUP,
8 GEOFF McCOLL, LEONARDO SEOANE,
9 THE U.S. DEPARTMENT OF EDUCATION
10 via THE SECRETARY OF THE U.S.
11 DEPARTMENT OF EDUCATION,

12 Defendants

Case No.: 2:18-cv-01781-APG-PAL

**ORDER (1) DENYING REQUEST FOR
ENTRY OF DEFAULT, (2) DENYING
MOTION FOR DEFAULT JUDGMENT,
AND (3) DENYING REQUEST FOR
ASSISTANCE**

[ECF Nos. 71, 76, 77]

12 Plaintiff Frederick H. Shull, Jr. requests entry of default and default judgment against
13 defendant Gregory McGhee. ECF Nos. 76; 77. Shull claims that McGhee was properly served
14 but failed to timely appear and is therefore subject to default. *Id.* Shull also requests assistance
15 in effecting service of process upon defendant U.S. Department of Education, arguing that as a
16 pro se plaintiff, he has done all he can to comply with Federal Rule of Civil Procedure 4. ECF
17 No. 71.

18 Shull offers no evidence that McGhee has been properly served other than providing a
19 scanned receipt from the United States Postal Service that indicates that something was sent to
20 McGhee on November 14, 2018. ECF No. 30-2 at 2. Consistent with this, in McGhee's April
21 26, 2019 motion to dismiss, he claims that Shull has not properly served him. ECF No. 96 at 2.

22 Regardless of whether McGhee was properly served, however, he has now appeared in
23 this case. *See* ECF Nos. 96, 98, 102. So Shull's request and motion for default are moot because

1 I would set aside a default if one had been entered against McGhee. Likewise, the Department
2 of Education has now appeared in this case. *See* ECF Nos. 96, 98, 102. So Shull's request for
3 assistance in effecting service is moot.

4 IT IS THEREFORE ORDERED that Shull's request for entry of default against McGhee
5 (**ECF No. 76**), Shull's motion for default judgment against McGhee (**ECF No. 77**), and Shull's
6 request for assistance in effecting service upon the U.S. Department of Education (**ECF No. 71**)
7 **are denied.**

8 DATED this 14th day of June, 2019.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE